

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in Regular Session on Monday, June 1, 2009 at 3:30 p.m. in the Commissioners Board Room, Avery County Administrative Complex, 175 Linville Street, Newland, NC.

Call To Order

Chairman Poteat called the meeting to order at 3:30 p.m.

Chairman Poteat advised that there would be a time of public comment but if someone wanted to speak to an agenda item they must sign up on the sheet with the clerk.

Chairman Poteat led prayer.

Public Comment

Rachel Deal invited everyone to a ribbon cutting at the Paw's and Claw's Building right behind Ingles at the resale house to help support the Humane Society on June 13, 2009 at 10:00 a.m.

Board Appointments

Avery Long Term Care Community Advisory Committee

Robert Wiseman, County Manager, advised that Rachel Deal's term on the Avery Long Term Care Community Advisory Committee will expire on June 19, 2009. He stated that Ms. Deal represents Avery County everywhere she goes in such a manner that makes the citizens of Avery County proud.

Motion by Phyllis Forbes and second by Martha Hicks to reappoint Ms. Rachel Deal for a three year term to the Avery Long Term Care Community Advisory Committee. Motion unanimously approved.

Chairman Poteat stated he would exercise executive privilege and continue on with the agenda until the appointed time of the Public Hearing at 3:50 p.m.

County Manager Updates – Robert Wiseman

Intersection of Hwy 181 and Avery High School Road

Robert Wiseman, County Manager, advised that the sign has been ordered for the Intersection of Hwy 181 and Avery High School Road which is the 8th time this has been installed. He stated that the Department of Transportation will not allow for the posts to be concreted in the ground but this sign post will be off the state right-of-way. There are considerable costs for these signs. Scott Heath questioned if the Board was still pursuing a caution light/traffic light at the intersection. The County Manager stated that this resolution had been forwarded to the sign division of the Department of Transportation. Scott Heath asked the County Manager to look into putting a street light at the intersection. The County Manager advised that a street light could be put up but would be at the County's expense.

Tentative Budget

The County Manager explained that according to North Carolina General Statutes the County is required to file today the balanced tentative budget for the Fiscal Year 2009/2010 to be held on display for any citizen to come in and look at it. A public hearing needs to be scheduled at the next regular meeting for public comment on the FY 2009/2010 budget. Chairman Poteat reiterated that the FY 2009/2010 Budget is available for inspection in the Clerk's office.

Chairman Poteat stated that a good friend from Wilkes County had said that Wilkes County had a 10% reduction across the board including nonprofits.

Banner Elk School/Historic Register

The County Manager stated that there was a newspaper article that basically says that efforts are being made to place the Banner Elk School on the Historic Preservation List. He said that this property belongs to the citizens of Avery County and that he would ask for the Board's approval in approaching the Avery County Board of Education to discuss whether this is in the best interest of the citizens of Avery County. The placing of the property on the Historic Register would decrease the desirability for commercial development or residential development. The County Manager stated with the Board's permission he would like to discuss this with the leadership with the intent of having some document to bring back to the Board as to why this should or should not be placed in this category. Chairman Poteat advised that he felt strongly that there needed to be a consensus to carry this further and investigate the possible consequences.

Public Hearing – Green Valley Fire Department

Chairman Poteat advised that as Chairman he would deem the Board in a time of Public Hearing out of the Regular Session at 3:50 p.m. The Public Hearing is regarding Green Valley Fire Department.

Present at the Hearing were; Chairman Kenny Poteat; Vice-Chairman Phyllis Forbes; Commissioner Scott Heath; Commissioner Martha Hicks; Commissioner Glenn Johnson; Robert Wiseman, County

Manager; Michaelle Poore, County Attorney; Tim Greene, Finance Officer; and members of the press and public.

Mike Laws, Green Valley Fire Department, explained that Green Valley had purchased a fire truck and that United Community Bank had given the fire department a great loan rate. He stated that anytime a new piece of equipment was purchased for a fire department that it helps the people in the community with their insurance rating.

Judy Dillingham, United Community Bank representative, told the Board that United Community Bank is pleased to assist the citizens. She stated that this was a tax exempt loan at a very low rate and if and when the fire department wanted to pay this loan off or pay a huge amount on the loan there were no prepayment penalties.

Glenn Johnson asked when the fire truck was purchased. Mr. Laws stated that the truck was delivered in March.

Chairman Poteat questioned the County Attorney if this was a requirement to have a public hearing regarding this issue. The County Attorney stated it was her understanding to receive a tax exempt loan that a public hearing must be held.

The County Manager advised that any expenditure of public funds has to be approved and budgeted by the Avery County Fire Commission as part of their annual budget.

Charlie Franklin, Fire Department Coordinator, said the reason this truck came about was that Green Valley Fire Department had three trucks that ranged from 1975 to 1978 and the trucks were beginning to need repairs that was costing a lot of money. He also stated that the truck that needed the most repair was becoming undependable.

Glenn Johnson questioned what happens with a used fire truck. Charlie Franklin answered that the fire departments put these trucks up for sale and the money is put back into the fire department fund.

There were no further public comments.

Chairman Poteat declared the Public Hearing to be closed and the Board would be back in a time of Regular Session at 3:58 p.m.

Tax Collector Report – Mary Daniels

Mary Daniels, Tax Collector, reported that the total collections for the month of May 2009 were \$133,337.72; one return check was debited out of that for \$1,059.18 and so the monthly total was \$132,278.54.

Motion by Glenn Johnson and second by Scott Heath to approve the Tax Collector Report as presented for the month of May 2009. Motion unanimously approved.

Chairman Poteat asked what the collection rate was at this time. Ms. Daniels stated that the collection rate through this report was 95.4%.

Tax Assessors Report – Phillip Barrier **Real and Personal Releases**

Phillip Barrier, Tax Assessor, stated that these releases are single wide mobile homes that can't be found even though people are sending back listings with these mobile homes on them. The Real and Personal releases for the month of May 2009 are County Tax \$1,004.57 and fire tax \$83.09 with total of \$1,087.66. These mobile homes go back to 1998.

Motion by Phyllis Forbes and second by Martha Hicks to approve the Real and Personal Releases for the month of May 2009 as presented. Motion unanimously approved.

Motor Vehicle Releases

The Motor Vehicle Releases for the month of May 2009 were County Tax \$150.35; Fire Tax \$16.23 and Banner Elk City Tax \$2.53 for a total of \$168.81.

Motion by Martha Hicks and second by Glenn Johnson to approve the Motor Vehicle Releases for the month of May 2009 as presented. Motion unanimously approved.

Motor Vehicle Refunds

There is one motor vehicle refund with the County Tax being \$18.20 and the Fire Tax being \$1.96.

Motion by Phyllis Forbes and second by Scott Heath to approve the Motor Vehicle Refunds for the month of May 2009 as presented. Motion unanimously approved.

Chairman Poteat reported that May 7, 2009 through May 27, 2009 real property sales in Avery County equated to \$2,885,750 which if Avery County had the Land Transfer Tax this would be \$11,543 for capital expenditures in the schools.

Mr. Barrier stated that the Board of Equalization and Review met in the last meeting on May 18th and heard a total of 33 appeals. He said the assessed value after the Board of E&R is \$4,029,816,459.00. Chairman Poteat questioned if the 33 appeals have any of these appealed to the state. Mr. Barrier stated that there is a 30 day window to appeal to the state. He also stated that there have been 8 veterans that have qualified for the new veterans' exclusion.

Smoky Mountain Center – Suzie Long

Suzie Long, representative from Smoky Mountain Center, reported that there was funding for mobile crisis services. In Avery County, Smoky Mountain Center contracts with New River Mental Health for emergency services and it is the plan to continue with the contract. New River Mental Health has set up mobile crisis units so that someone is on call 24 hours a day, 7 days a week. With the mobile crisis units, there has been a reduction in hospitalization and outpatient commitments. Ms. Long stated that Smoky Mountain was aware of what the law enforcement goes through with the time waiting in the emergency room department. She said that what Smoky Mountain Center is hoping with the mobile crisis units and other programs is to see a reduction in outpatient commitments and hospitalizations. Each team is staffed with a qualified mental health professional who must be a nurse, clinical social worker or psychologist and there must be other team members including certified substance abuse counselors and there must be a board certified psychiatrist not just with the agency but available 24/7 to respond to the needs of these teams. Ms. Long advised that Cannon Hospital has opened a 10 bed psychiatric unit. She stated that Smoky Mountain Center's relationship with Cannon is that indigent beds are funded by Smoky Mountain Center. There is a new staff member who is assigned primarily to Avery County for adult collaborative, child collaborative and child protection teams. Ms. Long explained that one of the things with crisis emergency is to have law enforcement trained in CIT (Crisis Intervention Training). This is training law enforcement to know how to deal with mental health issues. There are two officers in Avery County who are certified in the CIT program. Ms. Long thanked the Board for the appointment of Glenn Johnson who has been very involved in the Smoky Mountain Center Board.

Glenn Johnson requested that Ms. Long explain monies that were appropriated to NRMH. Ms. Long stated that Smoky Mountain Center allocated \$666,000 for services that New River Mental Health performed that was not in the contract.

Sheriff Kevin Frye stated that the Avery County Sheriff's Department has been working with Smoky Mountain Center and through New River Mental Health and Smoky Mountain Center we are getting some things in place to see a reduction in some of the involuntary commitments and hopefully serve the people who need the assistance better and faster. Sheriff Frye explained to the Board that anyone can go to the magistrate's office and take out an involuntary commitment on someone and the Sheriff's Department is directed to take that person to the emergency room within 24 hours. Sheriff Frye stated that a huge portion of the time spent for his deputies is waiting on trying to find a bed for the involuntary commitment person. He also said that two deputies had been trained in CIT in Hickory. Bob Johnson, Avery County Sheriff's Deputy, explained the Crisis Intervention Training.

Discussion regarding the Crisis Intervention Training and Smoky Mountain Center.

Home and Community Care Block Grant – R.D. Daniels

R.D. Daniels, Avery Senior Center Director, advised that he was here to get the Home and Community Care Block Grant approved for the Fiscal Year 2009/2010. He stated that the grant is pretty much the same as last year but of course, it was still up in the air to what the exact funding is going to be. The current budget has been cut a total of about \$1400.00. Mr. Daniels explained that the local match, of course, was reduced somewhat because of the reduction of funds but that money was transferred to a local share to maintain the current operating level. Mr. Daniels stated that this approval of the Home and Community Care Block Grant would be contingent upon the final approval of the county budget.

Motion by Scott Heath and second by Glenn Johnson to approve the Home and Community Care Block grant contingent upon any changes that might occur before the budget is finalized. Motion unanimously approved.

Custodial Services Committee

Robert Wiseman, County Manager, stated that Avery County has in place right now what is referred to as the Housekeeping Committee which is composed of a representative from each major area of the county's facilities. This committee is meeting at least once a month and discussing the different areas of the county buildings and the improvements that need to be made. The committee is not sanctioned by the Board of Commissioners. Forming the Custodial Services Committee will give some credibility to the committee as far as the membership and the terms and what the responsibilities are. The authority of this committee is strictly an advisory capacity. Scott Heath stated that his thought is that custodial services would come under the County Manager. The County Manager advised that he is not in these offices

everyday and that the committee would address the issues. Mr. Heath stated that he is not opposed to this as a function of quality control. Martha Hicks said that the employees working in the different departments see more things that need to be done. Glenn Johnson advised that he would change the name of the Custodial Services Committee to the Public Buildings and Grounds Committee. Chairman Poteat advised that the wording needed to be changed to one member may be a County Commissioner or their designee. The County Attorney advised that one member shall be appointed by the Board of Commissioners or may be filled by a County Commissioner.

Motion by Glenn Johnson and second by Phyllis Forbes to adopt the Custodial Service Committee and the policy as written with the noted change concerning the involvement of the County Commissioner which stated one member may be a County Commissioner or their designee. Motion unanimously approved.

Mayland Community College – Dr. Suzanne Owens

Dr. Suzanne Owens thanked the Board of Commissioners for their support of Mayland Community College and thanked Phyllis Forbes for being a member of the Mayland Community College Board. Dr. Owens stated that when the three County Managers met at Mayland Community College it was suggested by them that Mayland Community College should attend more Commissioner meetings to keep the Commissioners informed. Dr. Owens stated that Mayland Community College is at the end of the year and Mayland is asking the Board for approval to transfer \$5,000 from 2008/2009 capital allocation to operational allocation. This will be presented to all three county Board of Commissioners. Tim Greene, Finance Officer, stated there would not be a problem with this transfer.

Motion by Scott Heath and second by Martha Hicks to recognize the transfer of \$5,000 from the allocated funds for 2008/2009 from capital to operational for Mayland Community College. Motion unanimously approved.

Dr. Owens gave an update on the Health Sciences Building which she reported was a little behind schedule but would be ready for occupancy in July. She also reported that notification was received of an ARC grant for \$58,000 for furniture and equipment. Another grant for \$250,000 has been applied for to renovate the facilities for vocational and technical training for people to get jobs quickly and the facility identified is in Avery County.

Chairman Poteat stated that in the budget deliberation, that regardless of the other counties inability to give more money that Avery County gave additional monies to Mayland Community College because of the fine services provided by Mayland to the Avery County citizens. Sam Ray, Chairman of Mayland Community College's Board of Directors, thanked the commissioners especially for the extra money that was given to Mayland Community College.

Jail Update – Peter Heimbach

Peter Heimbach, Architect Beeson, Lusk and Street, explained that the way jail design functions in North Carolina is that it is a multi-phase process. Each phase of design has to be reviewed by the state and several departments in the state to make sure it is meeting all the jail guidelines. He stated that this needed to be done because Avery County doesn't want to get in a position where other counties in the state have that were not able to open their jail because of problems that could have been prevented if this process could have gone through properly. The original schedule was for the process to begin in June 2006 and when that schedule was originally announced construction would have began in 2007 and concluded in 2009 and obviously that has not been done. The schedule was set while the construction of the second floor renovation in the annex building was going on and that was assuming that one project would roll to the next and that did not happen. Mr. Heimbach stated that it took almost a year to decide what was going on with the site and the actual start in the process began when the Sheriff, Trina, myself and Robert Wiseman went around to different counties and visited jails in June 2007. From that point there was some discussions and some very preliminary ideas on how to plan a jail out and at the same time the discussions continued about hiring a jail consultant. The county ascertained a jail consultant, Todd Davis. Mr. Heimbach stated that June 2008 is when the actual design process began. He said that with the design of jails there are state guidelines and the architects and jail consultant went back and forth between each other about what was needed by the County, what would fit on the site and how much money it would cost. The initial submission to the state was made in late February. Mr. Heimbach stated that the state never issues an all clear until the jail is open. The state reviews the schematic design phase, reviews the design development phase, and reviews the final construction drawings and they are required to release the construction drawings before they are released to go out to bid and that being said the entire building can be built according to the release drawings and the jail inspector can come in and state that he wants something changed and until that is changed the jail does not open.

Chairman Poteat questioned the target date to occupy the facilities. Peter Heimbach answered the facilities should be occupied by March 2012. Scott Heath asked with a larger jail facility what the plan for the increased operational cost is. The County Manager stated that other jails that had been looked at utilized electronic components to take place of additional personnel.

Tim Greene, Finance Officer, stated that \$9,171,987.00 would get the jail built according to the current projections and there was \$6,000,000 earmarked for the building of the jail and money could be moved from the capital reserve or money could be borrowed.

County Attorney Report – Michaelle Poore

Michaelle Poore, County Attorney, advised that the Green Valley Fire Department was requesting a Resolution to approve the signing and delivery of the financing contract which was included in the Board's packet. The Public Hearing was held at 3:50 p.m. today but there was no approval after the public hearing by the Board for the resolution.

Motion by Phyllis Forbes and second by Martha Hicks to adopt a Resolution concerning Green Valley Fire Department's financing contract with United Community Bank. Motion unanimously approved.

The County Attorney stated that there is a letter that was sent to Robert Wiseman, County Manager, concerning the EDC funding request from the last meeting. She said she was not sure about whether this would require a public hearing and contacted a gentleman at the Institute of Government who felt in this incidence it would be best to conduct a public hearing before the funds were dispersed. A public hearing will be scheduled for the next meeting in June.

Martha Hicks questioned about companies that would come into the county and receive funds but then leave the county. The County Attorney stated there was an agreement called a "clawback agreement" which is an agreement with the developer or business entity and basically they would agree to pay the money back or a certain percentage of the money if they failed to fulfill their obligations and that is something the county can do.

Approval of Minutes

Motion by Glenn Johnson and second by Martha Hicks to approve the minutes of the budget workshop for April 30, 2009 and regular session May 4, 2009. Motion unanimously approved.

Agenda Consent Items

Phyllis Forbes stated that she had received a call from Don Horton regarding the Merchant Marines Resolution. Chairman Poteat advised that this is one man's opinion. He asked the County Manager to talk with the Veteran's Office and then this issue would be addressed at the June 15, 2009 meeting.

Tim Greene, Finance Officer, addressed the pages of line item transfers included in the agenda consent items. He stated that in lieu of doing budget amendments the departments are allowed to transfer budget dollars from one line item to another. The County Manager stated that Mr. Greene had the authority to make these changes without informing the Board but he should be recognized for making sure that the Board has access to these changes.

Scott Heath stated that he was on the planning board years ago and there was a lot of work on an animal control ordinance and that there are incidences where animals are nuisances and in the future if things come up regarding animal control issues the Board may need to address this.

Upcoming Meetings

The next meeting will be June 15, 2009. There will be two public hearings on that date.

Adjourn

Motion by Scott Heath and second by Glenn Johnson to adjourn this meeting at 6:53 p.m. Motion unanimously approved.

**Kenny Poteat, Chairman
Avery County Board of Commissioners**

ATTEST: _____
Cindy Turbyfill, Clerk